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Desperately seeking labor

by Paul Peters

Illegal immigrants in the Flathead spotlight

Don't let the lack of street protests fool you—illegal immigration, and Congress' latest stab at dealing with it, is as important an issue in the Flathead as it is anywhere.

Since the Independent's December story on the arrest of seven illegal immigrants who worked building The Monterra luxury condominiums in Whitefish (See "Cost of doing business," Dec. 15, 2005), Immigration and Customs Enforcement (ICE) has arrested 18 more at the same site.

The most recent arrest netted 12 illegal immigrants on March 28, all working for subcontractor Storm Construction.

In December, Don McPherson, a local ICE officer, told the Independent that he had arrested 40 illegal immigrants in the Flathead Valley since May, all working construction. He says he's arrested at least 40 more since October, again, all working in construction.

According to a 2005 study by the Pew Hispanic Center, 20 percent of illegal immigrants work in construction, second only to the service industry, which employs 31 percent. Five percent work in agriculture.

When McPherson asks why they've hired illegal immigrants, he says, contractors complain that there aren't enough legal workers available in the Flathead.



Photo by Paul Peters

The Lakes Village neighborhood is part of The Monterra, a subdivision of luxury condominiums where 25 suspected illegal immigrants, arrested by Immigration and Customs Enforcement since November, were employed.

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A dearth of workers has been a problem for most employers in the valley, according to the Flathead County Job Service's Virginia Sloan.

She says the service is currently listing 430 positions available in the Flathead, 200 more than at this time last year. In May, she plans to host a guest speaker who will present information to local employers on attracting workers.

"Employers are really struggling to find employees," she says.

Whether illegal immigrants should be used to fill such employment gaps is being hotly debated in Congress.

The Border Protection Act, which the House passed in December, calls for mandatory detention of illegal immigrants, a fence along large sections of the U.S.-Mexico border and numerous other changes that would make it more difficult for illegal immigrants to live and work in the United States.

Illegal immigration is also now being considered in the Senate, where Sens. John McCain, R-Ariz., Arlen Specter, R-Penn., and Ted Kennedy, D-Mass., are promoting a compromise bill that creates a guest-worker program and a path to citizenship for illegal immigrants already here. The U.S. Chamber of Commerce and other business groups heavily support such a compromise.

But Sen. Bill Frist, R-Tenn., has come out against the compromise bill, saying he is against granting citizenship to the estimated 11 million illegal immigrants already in the United States.

Last week, Frist spoke out on the Senate floor against the citizenship provision, which he says grants "amnesty" to illegal immigrants.

"I disagree with this approach," Frist said, "not just as a matter of principle, but because granting amnesty now will only encourage future and further disrespect for the law."

Monique Hirko, who heads the Montana branch of ICE, recalls the last time the nation got involved in the immigration debate—1986, when amnesty was granted to illegal immigrants already in the United States with a promise that there would be a crackdown at the borders and on businesses that hire illegal immigrants.

"It didn't work," she says. "There was too much fraud."

And the new laws had no teeth.

According to McPherson, none of the businesses that employed the illegal immigrants he arrested have been prosecuted, although some cases are still under review.

By law, employers must check to make sure potential employees have documentation of citizenship, but they do not have to verify that the documentation is legitimate.

That employers knowingly hire falsely documented workers, McPherson says, is "a pretty difficult charge to prove."

Almost all of the companies in the Flathead that have employed illegal immigrants have done what they are required to under the law, McPherson says.

So while the workers themselves may be deported or jailed, employers may continue to hire their

illegal replacements. Storm Construction, the company that had six workers arrested in February, had 12 workers arrested March 28. ICE's work, it appears, hasn't been much of a deterrent.

The various immigration bills circulating Congress would add teeth to immigration law. All of them require employers to verify employee documentation and create stricter penalties for companies that do hire illegal immigrants. This is the one change that nearly all members of Congress appear to agree upon. Other potential changes will be debated in the Senate all week.

For Montana's part, Denny Rehberg voted for the House bill, Conrad Burns supports Frist's version of the Senate bill and Max Baucus has not declared an official stance.

"America is a country built on the rule of law," Burns said in a press release. "If you are here illegally, for any reason, you have broken our laws. U.S. Citizenship is a privilege, and illegal immigrants cannot be given a place in the front of the line."

While the hiring of illegal immigrants does not appear to be a generally widespread practice in the Flathead, the construction jobs that many hold now, and the ones they may hold in the future, are important to the Flathead economy.

According to Larry Swanson, director of the Center for the Rocky Mountain West, the Flathead construction industry generates about \$160 million in private income, real estate sales of another \$89 million and real estate financing and insurance revenues of another \$83 million. Combined, these businesses account for almost a quarter of the valley's income.

And so, no matter what Congress decides to do, the Flathead, in order to keep one of the pillars of its economy in business, is going to need more people to do construction work—whether they're legal or illegal. The rest of the country—at least those parts that are growing—are in a similar position. As long as building is booming, builders will look for workers to meet the demand. Where they'll find them, if not across the border, is one problem Congress isn't likely to solve anytime soon.

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